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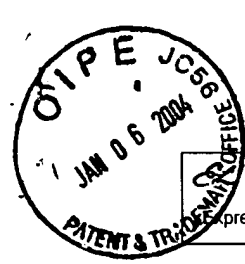
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*Lebeck*

Docket No.: 09634/000L268-US0  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#8

In re Patent Application of:  
Shinichi Tsumori, et al.

Application No.: 10/024,320

Confirmation No.: 6688

Filed: December 18, 2001

Art Unit: 2661

For: IP PACKET TRANSMISSION APPARATUS,  
IP PACKET TRANSMISSION METHOD,  
AND RECORDING MEDIUM HOLDING  
PROGRAM FOR SAME

Examiner: Not Yet Assigned

**REQUEST UNDER 37 C.F.R. §1.181 TO WITHDRAW THE HOLDING  
OF ABANDONMENT OF THE ABOVE-REFERENCED APPLICATION**

MS Non Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Technology Center 2600

Dear Sir:

Responsive to the Notice of Abandonment mailed November 17, 2003, Applicants respectfully assert that for the following reasons, the withdrawal of the holding of abandonment is in order.

Applicants in the above-identified patent application have received a Notice of Abandonment, dated December 10, 2003, copy enclosed as Exhibit A, advising that the application is abandoned due to Applicants' failure to timely respond to the Notice To File Missing Parts (the "Notice") mailed January 24, 2002.

For the reasons set forth below, Applicants believe that the Notice of Abandonment is in error or due to actions by the USPTO and should be withdrawn.

{W:\09634\000L268000\00109895.DOC 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 }

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Applicants cannot verify if the check transmitted with the Response and paying the required fees was deposited by the USPTO. If the USPTO determines that the fee was not paid, the Commissioner is authorized to charge the fee to Deposit Account No. 04-0100.

Further, the Applicants submitted an Information Disclosure Statement concurrently with the Response. The IDS and copies of the references are submitted herewith for consideration by the Examiner.

Dated: January 6, 2004

Respectfully submitted,

By 

Louis J. DelJude

Registration No.: 47,522

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 753-6237 (Fax)

Attorneys/Agents For Applicant



## UNITED STATES PATENT AND TRADEMARK OFFICE

09634/000 L268-450

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-----------------------|-----------------------|------------------------|
| 10/024,320         | 12/18/2001            | Shinichi Tsumori      | M2047-35               |

CONFIRMATION NO. 6688

ABANDONMENT/TERMINATION  
LETTER

\*OC000000011454955\*

7278  
DARBY & DARBY P.C.  
P. O. BOX 5257  
NEW YORK, NY 10150-5257

Date Mailed: 12/10/2003

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 01/24/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

| APPLICATION NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-----------------------|-----------------------|------------------------|
| 10/024,320         | 12/18/2001            | Shinichi Tsumori      | M2047-35               |

CONFIRMATION NO. 6688

ABANDONMENT/TERMINATION  
LETTER

\*OC000000011454955\*

7278

DARBY &amp; DARBY P.C.

P. O. BOX 5257

NEW YORK, NY 10150-5257

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*A copy of this notice **MUST** be returned with the reply.*

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PART 2 - COPY TO BE RETURNED WITH RESPONSE

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OFFICE OF PETITIONS

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s) : Shinichi TSUMORI et al.  
Serial No. : 10/024,320  
File Date : December 18, 2001  
Title : IP PACKET TRANSMISSION APPARATUS, IP PACKET  
TRANSMISSION METHOD, AND RECORDING MEDIUM HOLDING  
PROGRAM FOR SAME  
Art Unit : 2661 Examiner:  
Docket No. : M2047-35

**CERTIFICATE UNDER 37 CFR 1.8(a)**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Hon. Commissioner for Patents, Box: Missing Parts, Washington D.C. 20231 on:

Date : *March 11, 2002*  
By : Inga Hildreth  
Signature : *Inga Hildreth*

Hon. Commissioner for Patents  
Box: Missing Parts  
Washington, D.C. 20231

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FEB 02 2004

Technology Center 2600

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Sir:

In response to the Notice to File Missing Parts of Application dated January 24, 2002, enclosed herewith please find the following:

- \* Declaration and Power of Attorney;
- \* IDS and Form PTO-1449 with one reference;
- \* Copy of Notice to File Missing Parts of Nonprovisional Application;
- \* Check for \$870 to cover the large entity filing fee (\$740) and late filed Declaration surcharge (\$130).

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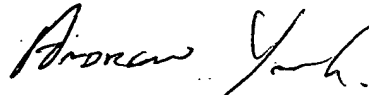
JAN 13 2004

**OFFICE OF PETITIONS**

Please charge any deficiencies or credit any overpayments to our Deposit Account No.  
13-4550.

It is submitted that the enclosed documents satisfy all outstanding filing requirements in  
this application. A Filing Receipt is respectfully requested.

Respectfully Submitted,



Andrew F. Young  
Reg. No. 44,001  
Attorney for Applicant

**MORRISON LAW FIRM**  
145 North Fifth Avenue  
Mount Vernon, New York 10550  
(914) 667-6755





## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 10/024,320         | 12/18/2001          | Shinichi Tsumori      | M2047-35               |

CONFIRMATION NO. 6688

## FORMALITIES LETTER



\*OC000000007357935\*

MORRISON LAW FIRM  
145 North Fifth Avenue  
Mt. Vernon, NY 10550

Date Mailed: 01/24/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 870.

*A copy of this notice MUST be returned with the reply.*

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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MAR 25 2002

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Ser./Reg./Pat No. 10/024,320 File No. M2047-35 By UM  
Title/Mark IP Packet Transmission Apparatus  
In the Matter of the Application of S. Tsumori, et al  
the following, due 3/24/02 in the U.S. Patent and Trademark Office, was received  
in the Patent and Trademark Office Mail Room on the date stamped hereon:

☐ Affidavit or ☐ Declaration  
☒ Response to Office Action MIP  
☐ Extension Request  
☐ Application for Patent Including:  
    pp. Specification, Claims (indep.)  
☒ Declaration or ☐ Oath ☐ Abstract  
☐ Application for Registration/Renewal Including  
    Specimens/Facsimiles ☐ ITU  
☐ Assignment and Form PTO-1595  
☐ Small Entity Declaration  
☒ Check No. 22983 For \$ 870.  
☒ Deposit Account Authorization  
Mailed: 3/11/02

☐ Drawings \_\_\_\_\_ Sheet(s) including  
    Figs. ☐ Formal ☐ Informal  
☐ Maintenance Fee  
☐ Certificate of Mailing (Express)  
☐ Power of Attorney  
☒ IDS and Form PTO-1449 20/1 ref  
☐ Priority Document(s)  
☐ § 8 & 15 Declaration  
☐ Transmittal  
☒ Part 2 of Notice To File  
MIP

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**MAR 19 2002**  
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Ser./Reg./Pat No. 10/024,320 File No. M2047-35 By UM  
 Title/Mark IP Packet Transmission Apparatus  
 In the Matter of the Application of S. Tsumori, et al  
 the following, due 3/24/02 in the U.S. Patent and Trademark Office, was received  
 in the Patent and Trademark Office Mail Room on the date stamped hereon:

|   |  |
|---|--|
| <input type="checkbox"/> Affidavit or <input type="checkbox"/> Declaration<br><input checked="" type="checkbox"/> Response to <del>Office Action</del> <u>MIP</u><br><input type="checkbox"/> Extension Request<br><input type="checkbox"/> Application for Patent Including:<br>pp. Specification, Claims (Indep.)<br><input checked="" type="checkbox"/> Declaration or <input type="checkbox"/> Oath <input type="checkbox"/> Abstract<br><input type="checkbox"/> Application for Registration/Renewal Including<br>Specimens/Facsimiles <input type="checkbox"/> ITU<br><input type="checkbox"/> Assignment and Form PTO-1595<br><input type="checkbox"/> Small Entity Declaration<br><input checked="" type="checkbox"/> Check No. <u>229P3</u> For \$ <u>870.</u> —<br><input checked="" type="checkbox"/> Deposit Account Authorization<br>Mailed: <u>3/11/02</u> | <input type="checkbox"/> Drawings _____ Sheet(s) including<br>_____ Figs. <input type="checkbox"/> Formal <input type="checkbox"/> Informal<br><input type="checkbox"/> Maintenance Fee<br><input checked="" type="checkbox"/> Certificate of Mailing ( <del>Express</del> )<br><input checked="" type="checkbox"/> Power of Attorney<br><input checked="" type="checkbox"/> IDS and Form PTO-1449 <u>w/1 ref</u><br><input type="checkbox"/> Priority Document(s)<br><input type="checkbox"/> § 8 & 15 Declaration<br><input type="checkbox"/> Transmittal<br><input checked="" type="checkbox"/> <u>Part 2 of Notice To File</u><br><u>MIP</u><br><input type="checkbox"/> _____<br><input type="checkbox"/> _____<br><input type="checkbox"/> _____ |
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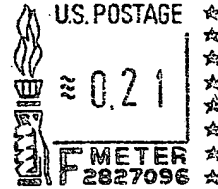
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MT. VERNON, N.Y. 10550

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|----------------|------|--------|----------|------------|
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\$870.00

2/25/02

M2047-35

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CHECK NUMBER

THOMAS R. MORRISON

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|  <p>THE BANK OF NEW YORK<br/>FLEETWOOD, NEW YORK 10551<br/>50-235/219</p> |  | <p>22983</p>                                       |  |
| <p>THOMAS R. MORRISON<br/>145 N FIFTH AVE<br/>MOUNT VERNON, NY 10550<br/>ATTORNEY AT LAW</p>   |  | <p>DATE</p>  |  |
| <p>***EIGHT HUNDRED SEVENTY &amp; 00/XX DOLLARS</p>  |  | <p>AMOUNT</p>                                      |  |
| <p>PAY TO THE ORDER OF COMMISSIONER OF PATENTS OF AND TRADEMARKS WASHINGTON DC 20231</p>   |  | <p>2/25/02 \$870.00</p>                            |  |
| <p>10/02/320 1102288311 1:0214023521 10 238711</p>   |  | <p>Security Features Included: Details on Back</p> |  |
| <p>10/02/320 1102288311 1:0214023521 10 238711</p>   |  | <p>AUTHORIZED SIGNATURE</p>                        |  |